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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,139	08/21/2001	Chiahwong Jack Hwang	WPHOP002	4929
21912	7590	06/03/2004	EXAMINER	
VAN PELT & YI LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			HARRELL, ROBERT B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/933,139	<b>Applicant(s)</b> HWANG ET AL.	
	<b>Examiner</b> Robert B. Harrell	<b>Art Unit</b> 2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2001 et al.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020227</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .       |

1. Claims 1-26 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or

4. Claims 1-26 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jamtgaard et al. (US 6,430,624 B1).
5. Prior to addressing the grounds of the rejection, citation to figures and text within the reference serve only as an aid and are not exclusive in nature. Thus the whole of the reference is cited.
6. Per claim 1, Jamtgaard taught a method (eg., see Title) for providing a data service (eg., see Abstract) via a wireless mobile device (eg., see figure 1 (5)), the method comprising the steps of:
  - a) receiving at a first node (eg., see figure 2 (12 and/or 13)), from a content provider (eg., see figure 3 (22) and col. 4 (lines 21-33 "content provider")), content associated with the data service ("RAW DATA" per figure 2),
  - b) the content comprising a data component ("RAW DATA" of figure 2 (13)) and col. 4 (lines 8-20));
  - c) associating a presentation format with the content (eg., see figures 3 (34), 18A, 18B, col. 1 (line 60-et seq.), col. 2 (lines 27-37), col. 3 (lines 6-9), col. 3 (lines 57-63), and col. 5 (line 26-et seq.));
  - d) sending the data component and the associated presentation format to a second node (eg., see figure 2 between 12 and 14), col. 4 (line 58-et seq.), and col. 7 (line 1-et seq.);
  - e) associating the content with the wireless mobile device (eg., see figure 2 in 14), and col. 7 (line 1-et seq.); and

f) delivering at least the data component of the content from the second node to the wireless mobile device (eg., see figure 3 (38 and 15), col. 3 (line 65-et seq.), and col. 7 (line 1-et seq.)).

7. Per claim 2, see col. 1 (line 60-et seq.), col. 2 (lines 27-37), col. 3 (lines 6-9), col. 3 (lines 57-63), and col. 5 (line 26-et seq.).

8. Per claims 3, 4, and 7 see col. 6 (line 1-et seq.).

9. Per claims 5, 6, 9, 10-12 see col. 6 (lines 49-53).

10. Per claim 8, since there are more than one device that are different the presentation format shown above are all device dependent and as such there has been shown above more than one presentation format.

11. Per claim 13, 14, and 18, see col. 3 (line 1 (first word) and col. 5 (lines 18-20)).

12. Per claim 15, as detailed above, data is received from the content provider (ie., that which hosts a web page on the Internet).

13. Per claims 16 and 17, see col. 11 (lines 15-45). Also col. 14 (line 62) makes reference to "E-Trade" and as well known in the art, subsequent Web Pages provided to a subset of users who have subscribed to their services which required User ID and passwords to access one's own personal account.

14. Per claims 19-23, as detailed above, there was more than one wireless device different from among the others each requiring the "RAW DATA" to be customized for that wireless device.

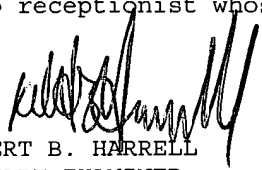
15. Per claims 24-26, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

16. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142

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